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6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF WASHINGTON**

9 UNITED STATES OF AMERICA,)
10) No. CR-09-172-LRS-1
11 Plaintiff,)
12) MOTION TO APPOINT
13 v.) COUNSEL
14)
15 CLINTON L. HALBERT,)
16)
17 Defendant.)

18 **I. MOTION**

19 COMES NOW the Defendant, Clinton J. Halbert, by and through his attorney
20 of record, John P. Nollette, and moves the Court to appoint counsel to represent
21 Christine Renee Delk in the above cause in the Forfeiture aspect of this matter.

22 This motion is based upon the files and records in the instant action, and the
23 Declaration of Counsel submitted herewith.

24 Dated this 7th day of September, 2010.

25 Respectfully submitted,
26 /s/John P. Nollette
John P. Nollette
Attorney for Clinton Halbert

II. DECLARATION OF COUNSEL

1. On July 12, 2010, the United States filed a Motion for Preliminary Order of Forfeiture.

At issue in the Forfeiture action is the Real Property owned by Clinton Halbert, defendant in this matter, described as Parcel Number 2378800, located in Stevens County, State of Washington, legally described as follows:

That part of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 39 North, Range 39 East, W.M., in Stevens County, Washington, described as follows:

Beginning at a point on the North line of said W $\frac{1}{2}$ located South 89°31'57" East 513.44 feet from the Northwest corner of said W $\frac{1}{2}$; thence South 89°31'57" East 147.00 feet to the Northeast corner of said W $\frac{1}{2}$; thence South 00°10'44" East 360.00 feet along the East line of said W $\frac{1}{2}$; thence North 22°17'17" West 390.36 feet to the Point of Beginning.

The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; and the E $\frac{1}{2}$ of Government Lot 3 of Section 19, Township 39 North, Range 39 East, W.M., in Stevens County, Washington.

EXCEPT that part of said Lot 3 as outlined on print of Sheet No. 1928, Columbia River Reservoir, Grand Coulee Dam, attached to Contract recorded in Book 108 of Deeds, Page 117.

EXCEPT beginning at a point in the West line of said E $\frac{1}{2}$ located South 00°East 1039.50 feet from the Northwest corner of said E $\frac{1}{2}$

1 thence South 12°21'00" East 478.79 feet to the Northeasterly
2 boundary of the Columbia River Reservoir; thence South 60°24'23"
3 West 116.00 feet along said boundary to the West line of the said E ½;
4 thence North 00°10'04" West 525.00 feet along said West line to the
Point of Beginning.

5 That part of the West 100.00 feet of Government Lot 1 of Section 19,
6 Township 39 North, Range 39 East, W.M., in Stevens County,
7 Washington, described as follows:

8 Beginning at the Northeast corner of said Government Lot 3; thence
9 North 00°14'35" West 721 feet; thence North 47°45'21" East 134.56
10 feet; thence South 01°06'08" West 753.52 Feet; thence South
11 42°06'06" West 122.08 feet to the East line of Government Lot 3;
thence North 00°14'35" West 32.40 feet, more or less, to the Point of
Beginning.

12 TOGETHER WITH all appurtenances, fixtures, attachments, and
13 improvements thereto or thereupon.

14 SUBJECT TO any and all easements, restrictions and covenants of
15 record.

- 16 2. The Government has sent notice of the forfeiture to Christine Renee
17 Delk who is a claimant with standing to contest the forfeiture in an
18 ancillary proceeding.
- 19 3. Christine Renee Delk is the significant other of defendant, Clinton
20 Halbert, and I have spent many hours assisting Ms. Delk in preparing
21 her petition and declaration for an ancillary proceeding, asserting her
22 interest in the property, however it is necessary Ms. Delk has
23 representation of counsel to protect her interest in the property.
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- 1 4. The Real Property described above is Ms. Delk's primary residence.
- 2 5. Ms. Delk is a third party to the criminal action with standing to
- 3 contest the forfeiture, having legal title to the property.
- 4
- 5 6. Ms. Delk is disabled and receives only Social Security Income and
- 6 Food Stamps and is financially unable to obtain representation.
- 7
- 8 7. I have attached Ms. Delk's Financial Affidavit as Exhibit A.
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- 10 8. Ms. Delk is entitled to counsel under 18 U.S. C. § 983(b) and 21
- 11 U.S.C. §§ 881(b) and 853(j).
- 12 9. Based on the above, Christine Renee Delk respectfully requests that
- 13 the Court appoint counsel to represent Ms. Delk in any forfeiture
- 14 proceeding.
- 15

16
17 Dated this 7th day of September, 2010.

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19 /s/John P. Nollette
20 John P. Nollette
21 Attorney for Clinton Halbert
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